

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

MARCIE R. TANNER
Plaintiff,

v.

THE CITY OF LUBBOCK, TEXAS and
TEXAS TECH UNIVERSITY,
Defendants

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5-04CV0147-C
CIVIL ACTION NO. _____

NOTICE OF REMOVAL

NOW COME Defendants Texas Tech University and the City of Lubbock and file this notice of removal pursuant to 28 U.S.C. §1446(a), respectfully showing as follows:

1. **Removal Provision.** This removal is pursuant to 28 U.S.C. § 1441(b). Plaintiff alleges that she was “discriminated against on the basis of race and unlawfully retaliated against” by Defendants, in violation of 42 U.S.C. § 1981. *See* Petition at ¶ 17.
2. **State Action.** This action was originally filed in the 99th Judicial District Court of Lubbock County, Texas on June 2, 2004 in Cause No. 2004-526,572. Plaintiff is Marcie R. Tanner. Defendants are Texas Tech University and the City of Lubbock, Texas. Venue is proper in the United States District Court for the Northern District of Texas, Lubbock Division.
3. **Jury Demand.** Plaintiff has demanded a jury trial in her Original Petition.
4. **Removal Requirements of § 1441.** This court has federal question jurisdiction pursuant to 28 U.S.C. §1441(a) over Plaintiff’s purported claims.

5. **Compliance with Deadline.** Plaintiffs effectuated service on Defendants Texas Tech University and the City of Lubbock on June 7, 2004 and June 9, 2004, respectively. This removal is timely as it is within 30 days from service. 28 U.S.C. § 1446(b).

6. **Consent of All Defendants.** All defendants who have been served consent to this removal.

7. **State Court Pleadings.** A true and correct copy of the following documents are attached hereto, in compliance with Local Rule 81.1:

- A. an index of all documents that clearly identifies each document and indicates the date the document was filed in state court;
- B. a copy of the docket sheet in the state court action;
- C. each document filed in the state court action, except discovery material, individually tabbed and arranged in chronological order according to the state court file date; and
- D. a separately signed certificate of interested persons that complies with LR 3.1(f).

ACCORDINGLY, Defendants pray that this cause be removed to the United States District Court for the Northern District of Texas, Lubbock Division, pursuant to §1441 of Title 28 of the United States Code.

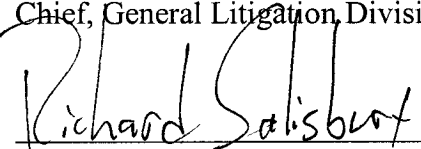
Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been sent, via United States Mail on this the 25 day of June, 2004, to:

John E. Schulman
9400 North Central Expressway, Suite 416
Dallas, TX 75231
Attorney for Plaintiff



RICHARD E. SALISBURY
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